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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,867	10/28/2003	Mark William Birkhead	PPN-101	4081

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,867

Applicant(s)

BIRKHEAD ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberle et al. US Patent 6,885,734.

Regarding claim 1, Eberle teaches an interactive system (Interactive Voice Services) by which to convert drug and medical specific information relating to information events (Eberle teaches in col. 38, lines 30-34 that the information that is sent to the subscriber may contain “medical” or other information desired by the subscriber), content and object data generated by an on-line drug and medical information system into interactive voice communications for transmission to a user, (abstract; col. 16, line 66-col. 17, lines 4; col. 38, lines 30-34), said interactive system comprising:

an application system to receive the drug or medical specific information (col. 38, lines 30-34) generated by the on-line drug and medical system and to convert said drug and medical specific information into voice content and instructions, (col. 17, lines 6-25; col. 24, line 61-col. 25, line 11; the system uses a text-to-speech engine to convert the online information (as stated in col. 38, lines 30-34, the information can be medical) to speech);

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a telephony/voice system to receive the voice content and instructions produced by said application system and to generate an interactive voice response to said voice content and instructions, (col. 24, lines 50-67);

a telecommunications network by which to transmit the interactive voice response generated by said telephony to the user, (col. 25, lines 35-50); and

a telephone at which the user receives the interactive voice response transmitted by said telecommunications network, (col. 18, lines 32-48).

Regarding claim 2, Eberle, as applied to claim 1 teaches wherein said telecommunications network is one of a cellular telephone network, a mobile telephone network or a public switched telephone network, (col. 34, lines 31-43).

Regarding claim 3, Eberle, as applied to claim 1, teaches wherein said telephone of the user is at least a cellular telephone, (fig. 4; col. 15, lines 47-50).

Regarding claim 4, Eberle, as applied to claim 4, teaches wherein said telephony/voice system has means communicating with said application system by which to receive an outbound call instruction and thereby initiate an outbound call to the telephone of the user by way of said telecommunications network, (col. 29, lines 39-48), said telephony/voice system also having means by which to accept an inbound call from the telephone of the user by way of said telecommunications network, (col. 36, lines 30-55).

Regarding claim 5, Eberle, as applied to claim 4, teaches wherein the means of said telephony/voice system to accept an inbound call from the telephone of the user is responsive to at least one of the voice of the user or audio tones (DTMF) generated by the user on the telephone of the user, (col. 29, lines 56-67).

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Regarding claim 6, Eberle, as applied to claim 5, teaches wherein the means of said telephony/voice system to accept an inbound call that is responsive to at least one of the voice of the user or the audio tones generated on the telephone of the user is a speech/DTMF recognition engine that is adapted to convert the user's voice and the audio tones into corresponding voice/DTMF commands, (col. 9, lines 53-67; col. 20, line 57-col. 21, line 18; col. 29, lines 56-67).

Regarding claim 7, Eberle, as applied to claim 6, teaches wherein said telephony/voice system also includes a voice instructions interpreter interconnected between said speech/DTMF engine and said application system so as to receive said voice/DTMF commands and to provide to said application system corresponding response instructions to be delivered from said application system to the on-line drug and medical information systems as information instructions, (col. 8, lines 5-24).

Regarding claim 8, Eberle, as applied to claim 7, teaches wherein said telephony/voice system also includes a speech/text-to-speech engine communicating with said voice instruction interpreter, said voice instruction interpreter receiving the voice content and instructions produced by said application system and generating voice output instructions in response thereto, said speech/text-to-speech engine receiving said voice output instructions and transmitting to said telecommunications network understandable human speech that is based on said voice output instructions generated by said voice instruction interpreter, (col. 31, lines 2-31; col. 39, lines 13-40).

Regarding claim 9, Eberle, as applied to claim 7, teaches wherein said application system includes an application service that is adapted to convert the response instructions provided by

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the voice instruction interpreter of said telephony/voice system into information instructions to be delivered to the on-line drug and medical information system, (col. 16, lines 51-59; col. 31, lines 22-31).

Regarding claim 10, Eberle, as applied to claim 9, teaches wherein the application service of said application system generates said outbound call instruction to said telephony/voice system to initiate the outbound call to the telephone of the user, whereby to cause the drug and medical specific information from the on-line drug and medical information system to be transmitted to the user as understandable human speech, (col. 38, lines 30-42; col. 39, lines 13-40).

Regarding claim 11, Eberle, as applied to claim 9, teaches wherein said application system also includes an application database communicating with said application service to provide information to and receive information from said application service, (col. 16, line 60-col. 17, line 5).

Regarding claim 12, Eberle, as applied to claim 1, teaches wherein the drug and medical information specific information received by said application system and converted to voice content and instructions includes at least some of a description of drug or medical items, a user profile containing drug and medical items, notice of new profile event information, the current status of account, and advertising related events, (col. 38, lines 30-42).

Regarding claim 13, Eberle teaches an interactive system (Interactive Voice Services) by which to convert on-line drug and medical information event information corresponding to drug and medical service provider events (Eberle teaches in col. 38, lines 30-34 that the information may contain “medical” or other information desired by the subscriber), content and

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object data into understandable human speech to be presented to a user (abstract; col. 16, line 66-col. 17, line 4) and to convert speech and/or DTMF audio generated by the user into information commands to be routed to an on-line drug and medical information system in response to the drug and medical service provider event information, (col. 31-lines 22-31; col. 39, lines 13-40), said interactive system comprising:

means to receive the drug and medical event information from the on-line drug and medical information system, (col. 17, line 6-25; col. 24, line 61-col. 25, line 11);

means to convert the drug and medical event information into interactive responses as understandable human speech to be presented to the user, (col. 17, line 6-25; col. 24, line 61-col. 25, line 11; the system uses a text-to-speech engine to convert the online information to speech);

a telephony network to deliver said interactive responses to the user, (col. 25, lines 35-50); and

means communicating with said telephony network for converting the speech and/or DTMF audio response generated by the user into the information commands to be routed to the on-line drug and medical information system, (col. 18, lines 32-48, col. 31, lines 22-31; col. 39, lines 13-40).

Regarding claim 14, Eberle, as applied to claim 13, teaches wherein the means to convert the drug and medical information event information into interactive responses as understandable human speech to be presented to the user is a speech/text-to-speech engine, (col. 31, lines 22-31; col. 39, lines 13-40).

Regarding claim 15, Eberle, as applied to claim 14, teaches wherein the means to convert the drug and medical event information into interactive responses also includes a voice

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instruction interpreter communicating with said speech/text-to-speech engine to provide voice output instructions to said speech/text-to-speech engine corresponding to the drug and medical event information received from the on-line drug and medical information system, (col. 31, lines 22-31; col. 39, lines 13-40).

Regarding claim 16, Eberle, as applied to claim 15, teaches wherein said means communicating with said telephony network for converting the speech and/or DTMF audio responses generated by the user into information commands includes a speech/DTMF recognition engine communicating with said voice instruction interpreter so as to provide to said voice instruction interpreter voice/DTMF commands corresponding to said speech and/or DTMF audio responses generated by the user, said voice instruction interpreter providing output information in response to said voice/DTMF commands to be routed to the on-line drug and medical information system as information commands, (col. 9, lines 53-67; col. 20, line 57-col. 21, line 18; col. 29, lines 56-67).

Regarding claim 17, Eberle, as applied to claim 13, teaches call initiation means adapted to receive outbound call instructions and thereby initiate a call to the user by way of said telephony network so that the drug and medical event information can be transmitted to the user, (col. 29, lines 39-48).

Regarding claim 18, Eberle teaches a method for converting drug and medical specific information relating to at least some of drug and medical service provider events, content and object data into interactive voice responses to be delivered to a user, (abstract; col. 38, lines 30-34; col. 16, line 66-col. 17, line 4), said method comprising the steps of:

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generating electronic data packets containing the drug and medical specific information obtained from a source of said information at an on-line drug and medical information system, (col. 17, lines 6-25; col. 24, line 61-col. 25, line 11);

converting the data packets into corresponding voice content and instructions, (col. 17, lines 6-25; col. 24, line 61-col. 25, line 11);

generating an interactive voice response to said voice content and instructions, (col. 24, lines 50-67);

generating an interactive voice response to said voice content and instructions as understandable human speech, (col. 24, lines 50-67);

transmitting said interactive voice response to a telecommunications network, (col. 25, lines 35-50); and

delivering said interactive voice response to the user by way of said telecommunications network, (col. 18, lines 32-48).

Regarding claim 19, Eberle, as applied to claim 18, teaches producing a user-generated voice and/or audio (DTMF) signal in reply to said interactive voice response delivered to the user, (col. 29, lines 56-67);

transmitting said user generated voice and/or audio signal from the user by way of said telecommunications network, (col. 25, lines 35-50);

receiving and converting said user generated voice and/or audio signal into electronic information instructions, (col. 19, lines 53-67; col. 20, line 57-col. 21, line 18); and

routing said information instructions to the on-line drug and medical information system, (col. 8, lines 5-24; col. 29, lines 56-67).

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Regarding claim 20, Eberle, as applied to claim 18, teaches wherein the step of generating an interactive voice response to said voice content and instructions is accomplished by means of a voice instruction interpreter to receive said voice content and instructions and to provide corresponding voice output instructions, and a speech/text-to-speech engine communicating with said voice instruction interpreter to receive said voice output instructions and to provide said interactive voice response as understandable human speech, (col. 31, lines 22-31; col. 39, lines 13-40).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pham et al. US Patent Pub. 2002/0065683.

4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER



Ovidio Escalante
Primary Patent Examiner
Group 2614
April 13, 2006

O.E./oe